

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re:

Case No. 09-69670

REGINALD E. SMITH, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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ORDER DISMISSING CASE

On September 25, 2009, Debtor filed a voluntary petition for relief under Chapter 7, and a “Certificate of Counseling” (Docket # 9), which states that on *October 30, 2008*, Debtor received “an individual [or group] briefing that complied with the provisions of 11 U.S.C. §§ 109(h) and 111.”

Debtor is not eligible to be a debtor in this case under 11 U.S.C. § 109(h)(1). That section provides in relevant part, that

an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

Debtor’s Certificate shows that he did not receive the required credit counseling briefing *during the 180-day period preceding the date of the filing of the petition*. Rather, Debtor received credit counseling 330 days before his petition was filed.¹ Accordingly,

¹ The Court pointed out this very same problem – a stale credit counseling briefing – in Debtor’s most recent prior case, Case No. 09-61025, in the August 20, 2009 Order denying Debtor’s motion to reinstate that case (Docket # 22 in Case No. 09-61025). If Debtor files yet another case after this one with the same problem, it will be dismissed, and the Court may also

IT IS ORDERED that this case is DISMISSED.²

Signed on September 26, 2009

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge

bar the Debtor from refiling any more bankruptcy cases for 180 days or longer.

² In addition, the Court notes that Debtor owes the following fees: \$299.00 filing fee and \$260.00 motion fee in Case No. 08-69936; \$299.00 filing fee in Case No. 09-61025, and \$299.00 filing fee in this current case. Debtor must pay all of these fees. Otherwise, any bankruptcy case Debtor filed in the future may be subject to being dismissed for Debtor's failure to pay these fees.